Kleindienst Backs FBI Probes

By Sanford J. Ungar
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Deputy Attorney General Richard G. Kleindienst testified yesterday that he is "not sure" what guidelines are used by the FBI in deciding whether to investigate an individual or organization.

Kleindienst, whose nomination to become Attorney General is to be voted on today by the Senate Judiciary Committee, told the committee he has "a very fine working relationship" with FBI Director J. Edgar Hoover, but has been too busy over the past three years to pay detailed attention to the bureau.

If confirmed as Attorney General, Kleindienst told Sen. John V. Tunney (D-Calif.), "I will know more about the FBI than I do now."

He portrayed himself, however, as abundantly satisfied with the work of the bureau and said he was "confident" that Hoover would not order electronic surveillance of "anybody without the express written permission" of the Attorney General.

Kleindienst answered questions, mostly hostile ones from liberal Democratic senators, for four hours on the second day of his confirmation hearing.

At day's end, Committee chairman James O. Eastland (D-Miss.), who called an executive session for this morning, said, "I do not anticipate any votes against" Kleindienst or L. Patrick Gray III, President Nixon's nominee to become the new Deputy Attorney General.

Despite the hostile questioning from others, the only committee member who appeared to be wavering on whether to vote for Kleindienst was Edward M. Kennedy (D-Mass.).

Kennedy and Kleindienst took up much of yesterday's session with a debate over what the senator called "the course of justice in America over the past three years and in the year to come."

Accusing the Nixon administration of fighting its "war on crime with speeches and press

By Bob Burchette—The Washington Post

Sen. Charles Mathias, left, and Richard Kleindienst chat at committee hearing.

releases." Kennedy also questioned the Justice Department's priorities in using investigative tools.

He attacked decisions to prosecute Daniel Ellsberg for disclosing the top secret Pentagon Papers on the Vietnam war, and to use "flocks of agents and attorneys" in the case involving a purported autobiography of Howard Hughes, but not to convene a grand jury investigation into the shooting deaths of four Kent State University students in May, 1970.

Kleindienst insisted, however, that the Justice Department and FBI "thoroughly investigated" the Kent State shootings before deciding not to prosecute the National Guardsmen.

He also defended Attorney General John N. Mitchell's refusal to permit congressional inspection of the FBI's report on the Kent State shootings.

The nominee argued the longest with Kennedy over arrest and detention procedures during the Mayday antiwar demonstrations in Washington last spring.

Kleindienst said that the Justice Department, which had anticipated only about 4,000 demonstrators on Monday, May 3, was completely surprised that "so many people 20,000 to 25,000--would attempt to do such a stupid thing" as tie up Washington.

He testified that advance intelligence on the Mayday protests did not involve any wiretapping.

However, in court affidavits filed in connection with criminal prosecutions of Yippie leader Abbie Hoffman and Bradford Lyttle, co-chairman of the People's Coalition for Peace and Justice, the Justice Department has acknowledged they were overheard during "national security" wiretaps.

The affidavit involving Hoffman was signed by Kleindienst last July 15. He testified yesterday that Mitchell had never delegated supervision of such wiretaps to him over the past three years.

The only negative testimony about Kleindienst came from Clarence Mitchell, Washington representative of the NAACP, who said the organization disapproved of his handling of a judicial nomination and civil rights enforcement.

As the NAACP officer stepped forward to testify, Kleindienst greeted him warmly and said, "Give 'em hell, Clarence."

Kennedy said yesterday that it had been 400 days since Attorney General Mitchell had held a press conference in Washington. "I suspect I'll probably have more press conferences than Mr. Mitchell," Kleindienst said, "and I probably will regret it."